

Appl. No. : **10/057,842**
Filed : **January 24, 2002**

SUMMARY OF EXAMINER INTERVIEW

Identification of Claims Discussed

Claim 1 was discussed.

Identification of Prior Art Discussed

U.S. Patent No. 6,173,322 to Hu (the "Hu patent").

U.S. Patent No. 6,138,162 to Pistriotto et al. (the "Pistriotto patent").

U.S. Patent No. 6,006,264 to Colby et al. (the "Colby patent").

U.S. Patent No. 6,070,191 to Haredran et al. (the "Haredran patent").

General Background

The technology disclosed in the patent application relates to a system where a data storage device is accessible through at least two different servers - the first and second servers. Furthermore, a dynamic session redirector determines which of the first and second servers to use to access the data storage device based upon the operational status of the servers. For example, if the first server fails, the data storage device can still be accessed via the second server.

Proposed Clarifications

Applicant proposed amending the claim to clarify that one or more network attached data storage devices are accessed by the different servers via a local network.

Results of Interview

The Examiner agreed that the cited references failed to teach the features of a network attached data storage device that is accessible through first and second servers and wherein a dynamic session redirector determines which server through which to access a network attached data storage device based upon the operational status of the first and second servers.

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REMARKS

The February 15, 2005 Office Action was based upon pending Claims 1-15. This Amendment amends Claims 1 and 6-15. Thus, after entry of this Amendment, Claims 1-15 are pending and presented for further consideration.

In the February 15, 2005 Office Action, the Examiner rejected Claims 1, 2, 11, 14 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,173,322 to Hu (the "Hu patent").

The Examiner rejected Claims 1 and 11 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,138,162 to Pistriotto et al. (the "Pistriotto patent").

The Examiner rejected Claims 1, 4, 11 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,006,264 to Colby et al. (the "Colby patent").

The Examiner rejected Claims 1, 3, 5-8, 11-13 and 15 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,070,191 to Naredran et al. (the "Naredran patent").

In addition, the Examiner rejected Claims 9 and 10 under 35 U.S.C. § 103(a) as being unpatentable over Naredran patent. The specific rejections made by the Examiner, and Applicant's response to these rejections, are discussed below.

Interview

Applicant would like to thank the Examiner Hernandez for the interview extended to Applicant's counsel of record, John R. King, on June 3, 2005. During the interview, the Examiner agreed that the proposed amendments to Claim 1 differentiated the claimed inventions from the cited references. With this in mind, Applicant has made similar amendments to the remaining claims. Reconsideration of the pending claims, as amended, is therefore respectfully requested.

Rejection of Claims 1, 2, 11, 14 under 35 U.S.C. §102(e)

The Examiner rejected Claims 1, 2, 11, 14 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,173,322 to Hu (the "Hu patent").

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As discussed in the interview, the Hu patent does not teach the use of a network attached data storage device that is accessible through first and second servers via a local network. Furthermore, the Hu patent fails to teach the use of dynamic session redirector circuitry that determines which server through which to access a network attached data storage device based upon the operational status of the first and second servers.

In particular, the Hu patent fails to teach a network data storage device that is separately accessible through a first or a second server. Furthermore, the Hu patent fails to teach dynamically controlling which server accesses the network attached data storage device.

Claim 1

The Hu patent fails to teach a network data storage device that is accessible through a first or a second server with dynamic session redirector circuitry that controls which server accesses the network attached data storage device. Applicant therefore respectfully submits that Claim 1 is patentably distinguished over the cited references and Applicant respectfully requests allowance of Claim 1.

Claim 2

Claim 2 which depends from Claim 1, is believed to be patentable for the same reasons articulated above with respect to Claim 1, and because of the additional features recited therein.

Claim 11

The Hu patent fails to teach a plurality of network data storage devices that are accessible through first or second servers with dynamic session redirector circuitry that controls which server accesses which network attached data storage device. Applicant therefore respectfully submits that Claim 11 is patentably distinguished over the cited references and Applicant respectfully requests allowance of Claim 11.

Claim 14

The Hu patent fails to teach a method of accessing plurality of network data storage devices through first or a second servers and assigning new associations between the plurality of network attached data storage devices and the plurality of

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servers based upon the load on at least one of the servers. Applicant therefore respectfully submits that Claim 14 is patentably distinguished over the cited references and Applicant respectfully requests allowance of Claim 14.

Rejection of Claims 1 and 11 under 35 U.S.C. §102(e)

The Examiner rejected Claims 1 and 11 under 35 U.S.C. §102(e) as being anticipated by the Pistriotto patent.

Claim 1

The Pistriotto patent fails to teach a network data storage device that is accessible through a first or a second server with dynamic session redirector circuitry that controls which server accesses the network attached data storage device. Applicant therefore respectfully submits that Claim 1 is patentably distinguished over the cited references and Applicant respectfully requests allowance of Claim 1.

Claim 11

The Pistriotto patent fails to teach a plurality of network data storage devices that are accessible through first or a second servers with dynamic session redirector circuitry that controls which server accesses which network attached data storage device. Applicant therefore respectfully submits that Claim 11 is patentably distinguished over the cited references and Applicant respectfully requests allowance of Claim 11.

Rejection of Claims 1, 4, 11 under 35 U.S.C. §102(e)

The Examiner rejected Claims 1, 4, 11 under 35 U.S.C. §102(e) as being anticipated by the Colby patent.

Claim 1

The Colby patent fails to teach a network data storage device that is accessible through a first or a second server with dynamic session redirector circuitry that controls which server accesses the network attached data storage device. Applicant therefore respectfully submits that Claim 1 is patentably distinguished over the cited references and Applicant respectfully requests allowance of Claim 1.

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Claim 4

Claim 4 which depends from Claim 1, is believed to be patentable for the same reasons articulated above with respect to Claim 1, and because of the additional features recited therein.

Claim 11

The Colby patent fails to teach a plurality of network data storage devices that are accessible through first or a second servers with dynamic session redirector circuitry that controls which server accesses which network attached data storage device. Applicant therefore respectfully submits that Claim 11 is patentably distinguished over the cited references and Applicant respectfully requests allowance of Claim 11.

Rejection of Claims 1, 3, 5-8, 11-13 and 15 under 35 U.S.C. §102(e)

The Examiner rejected Claims 1, 3, 5-8, 11-13 and 15 under 35 U.S.C. §102(e) as being anticipated by the Naredran patent.

Claim 1

The Naredran patent fails to teach a network data storage device that is accessible through a first or a second server with dynamic session redirector circuitry that controls which server accesses the network attached data storage device. Applicant therefore respectfully submits that Claim 1 is patentably distinguished over the cited references and Applicant respectfully requests allowance of Claim 1.

Claims 3, 5 and 6

Claims 3, 5 and 6 which depend from Claim 1, are believed to be patentable for the same reasons articulated above with respect to Claim 1, and because of the additional features recited therein.

Claim 7

The Naredran patent fails to teach a plurality of network data storage devices that are accessible through a first or a second server with a dynamic session redirector that controls which server accesses the network attached data storage devices. Applicant therefore respectfully submits that Claim 7 is patentably distinguished over the cited references and Applicant respectfully requests allowance of Claim .

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Claim 8

Claim 8 which depends from Claim 7, is believed to be patentable for the same reasons articulated above with respect to Claim 7, and because of the additional features recited therein.

Claim 11

The Naredran patent fails to teach a plurality of network data storage devices that are accessible through first or a second servers with dynamic session redirector circuitry that controls which server accesses which network attached data storage device. Applicant therefore respectfully submits that Claim 11 is patentably distinguished over the cited references and Applicant respectfully requests allowance of Claim 11.

Claim 12

The Naredran patent fails to teach a method of assigning new associations between the plurality of network attached data storage devices and a plurality of servers based upon the load on at least one of the plurality of servers. Applicant therefore respectfully submits that Claim 12 is patentably distinguished over the cited references and Applicant respectfully requests allowance of Claim 12.

Claim 13

Claim 13 which depends from Claim 12, is believed to be patentable for the same reasons articulated above with respect to Claim 12, and because of the additional features recited therein.

Claim 15

The Naredran patent fails to teach a method of determining whether the load imposed by the plurality of network attached data storage devices may be more evenly distributed among the plurality of servers by altering the associations between the plurality of network attached data storage devices and the plurality of servers. Applicant therefore respectfully submits that Claim 15 is patentably distinguished over the cited references and Applicant respectfully requests allowance of Claim 15.

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Rejection of Claims 9 and 10 under 35 U.S.C. § 103(a)

The Examiner rejected Claims 9 and 10 under 35 U.S.C. § 103(a) as being unpatentable over the Naredran patent.

Claim 9

The Naredran patent fails to teach a plurality of network data storage devices that are accessible through first or a second servers with a dynamic session redirector that controls which server accesses which network attached data storage device. Applicant therefore respectfully submits that Claim 11 is patentably distinguished over the cited references and Applicant respectfully requests allowance of Claim 11.

Claim 10

Claim 10 which depends from Claim 9, is believed to be patentable for the same reasons articulated above with respect to Claim 9, and because of the additional features recited therein.

Conclusion

Applicants have endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. In light of the above remarks, reconsideration and withdrawal of the outstanding rejections is specifically requested. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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